

**STATE OF NORTH DAKOTA
DEPARTMENT OF HUMAN SERVICES
ECONOMIC ASSISTANCE POLICY DIVISION
600 E. BOULEVARD AVENUE, DEPT. 325
BISMARCK, ND 58505**

Solicitation Number: 325-16-405-008

Solicitation Type: Request for Proposal (RFP)

RFP Title: Contract for administration of the Alternative to Abortion Program

Issued: April 5, 2016

Purpose of RFP: The North Dakota Department of Human Services, Economic Assistance Policy Division, is soliciting proposals for administration of the Alternative to Abortion Program statewide.

Procurement Officer: Carol Cartledge

TABLE OF CONTENTS

SECTION ONE

Introduction and Instructions

- 1.01 Purpose of the RFP
- 1.02 Contact Person, Telephone, Fax, and E-mail
- 1.3 RFP Schedule
- 1.4 Assistance to Individual with a Disability
- 1.5 Solicitation Notices
- 1.6 Pre-Proposal Conference
- 1.7 Deadline for Submission of Questions and Requests for Clarifications
- 1.8 Amendments to the RFP
- 1.9 Letter of Interest
- 1.10 Submission Instructions
- 1.11 Approved Vendor Registration Requirements and Bidders List
- 1.12 News Releases

SECTION TWO

Scope of Work

- 2.01 Background Information
- 2.2 Scope of Work
- 2.3 Location of Work
- 2.4 Experience and Qualifications Requirements
- 2.5 Required Licenses

SECTION THREE

General Contract Information

- 3.01 Contract Term, Extension, and Renewal Options
- 3.02 Contract Type
- 3.03 Standard Contract Provisions
- 3.04 Proposal as a Part of the Contract
- 3.05 Additional Terms and Conditions
- 3.6 Supplemental Terms and Conditions
- 3.7 Contract Approval
- 3.8 Contract Changes – Unanticipated Amendments
- 3.9 Indemnification and Insurance Requirements
- 3.10 Taxes and Taxpayer Identification Number
- 3.11 Proposed Payment Procedures
- 3.12 Limited Liability
- 3.13 Right to Inspect Place of Business
- 3.14 Inspection & Modification – Reimbursement for Unacceptable Services

SECTION FOUR

Proposal Format and Content

- 4.1 Proposal Format and Content
- 4.2 Introduction
- 4.3 Understanding of the Project Plan
- 4.4 Experience and Qualifications
- 4.5 Cost Proposal
- 4.6 Required Enclosures

SECTION FIVE

Evaluation Criteria and Offeror Selection

- 5.1 Proposal Evaluation
- 5.2 Understanding of the Project Plan
- 5.3 Experience and Qualifications
- 5.4 Cost Proposal

SECTION SIX

Standard Proposal Information

- 6.1 Authorized Signature
- 6.2 STATE Not Responsible for Preparation Costs
- 6.3 Conflict of Interest
- 6.4 Offeror's Certification
- 6.5 Offer Held Firm
- 6.6 Amendments to Proposals and Withdrawal of Proposals
- 6.7 Alternate Proposals
- 6.8 Subcontractors
- 6.9 Joint Ventures
- 6.10 Disclosure of Proposal Contents and Compliance with North Dakota Open Records Laws
- 6.11 Evaluation of Proposals
- 6.12 Right of Rejection
- 6.13 Clarification of Offers
- 6.14 Discussions and Best and Final Offers
- 6.15 Preference Laws
- 6.16 Contract Negotiation
- 6.17 Notice of Intent to Award
- 6.18 Protest and Appeal

ATTACHMENTS

- Attachment A – Sample Contract
- Attachment B – Cost Proposal
- Attachment C – Evaluation Tool

SECTION ONE INTRODUCTION AND INSTRUCTIONS

1.01 Purpose of the RFP

The Department of Human Services, Economic Assistance Policy Division, (STATE) is soliciting proposals for an entity to administer the Alternative to Abortion Program statewide.

1.02 Contact Person, Telephone, Fax, and E-mail

The procurement officer is the point of contact for this RFP. All communication regarding this RFP must be directed to the procurement officer by e-mail. Unauthorized contact regarding this RFP with other state employees or officials may result in the offeror being disqualified; the offeror may also be suspended or disbarred from the Office of Management and Budget State Bidders list.

Procurement Officer: Carol Cartledge
Phone: 701-328-4008
Fax: 701-328-1060
TTY Users Call: 7-1-1 (Relay North Dakota)
E-Mail: ccartledge@nd.gov

1.03 RFP Schedule

This schedule of events represents STATE's best estimate of the schedule that will be followed for this RFP. The estimated RFP schedule is as follows:

RFP Schedule	Dates	Time (CT)
RFP Issue Date	April 5, 2016	
Deadline for Submission of Questions and Requests for Clarifications	April 12, 2016	12:00 pm
Approximate issue date of amendment for responses to questions and request for clarifications, if applicable	April 15, 2016	
Deadline for Receipt of Proposals	April 29, 2016	3:00 pm
Approximate issue date of notice of intent to award	May 13, 2016	
Contract Start Date	July 1, 2016	

1.04 Assistance to Individual with a Disability

An individual with a disability who needs an accommodation should contact the procurement officer as soon as possible and no later than seven calendar days prior to the Deadline for Receipt of Proposals specified in Section 1.03 RFP Schedule so

reasonable accommodations can be made.

1.05 Solicitation Notices

Solicitation notices are issued as follows:

- Posted on the State of North Dakota, Office of Management and Budget, State Procurement Office website: <http://www.nd.gov/spo/>
- Posted on North Dakota Department of Human Services website: <http://www.nd.gov/dhs/info/publicnotice/index.html>
- Mailed by regular mail to Approved Vendor's identified on the State Bidders List that require solicitation notice to be mailed.

1.06 Pre-Proposal Conference

No pre-proposal conference will be held for this RFP. STATE advises offeror to carefully review this RFP, including attachments, and submit questions and requests for clarifications to the procurement officer by the deadline specified in Section 1.03 RFP Schedule for Deadline for Submission of Questions and Requests for Clarifications.

1.07 Deadline for Submission of Questions and Requests for Clarifications

Offeror must carefully review this RFP, which includes attachments. Offeror shall submit any questions or requests for clarifications to the procurement officer, in writing, by date and time identified in Section 1.03 RFP Schedule. Questions and requests for clarification must identify this RFP number, title, and related section or subsection.

If the question or request for clarification can be answered by directing the offeror to a specific section or subsection of this RFP, then the procurement officer may respond directly to the offeror. The procurement officer will make this determination. When the response to the question or request for clarification contains information that is material to the RFP process, the procurement officer will prepare a written response to be summarized into a solicitation amendment. The approximate date for responses to questions and requests for clarifications is identified in Section 1.03 RFP Schedule.

The state of North Dakota considers oral communications unofficial and non-binding. An offeror must confirm telephone conversations in writing.

If an offeror wishes to protest the contents of this RFP, including contract provisions, the offeror must submit the written protest to the procurement officer within seven calendar days before the Deadline for Receipt of Proposals identified in Section 1.03 RFP Schedule. Since this RFP contains a deadline for submission of questions and requests for clarifications, protests of this RFP will not be allowed if these faults have not been brought to the attention of the procurement officer before the deadline for submission of questions and requests for clarifications.

Responses to questions and requests for clarifications will be summarized into a solicitation amendment to this RFP, including any necessary amendments.

1.08 Amendments to the RFP

Any solicitation amendment to this RFP will be issued as identified in Section 1.05 Solicitation Notices. An offeror should carefully review any solicitation notice issued to prevent the opening of a proposal that could be nonresponsive based on any amendments to this RFP identified in a solicitation notice. An offeror shall include any acknowledgement of a solicitation notice in its proposal.

1.09 Letter of Interest

Submission of a letter of interest is not a requirement for submitting a proposal. An offeror interested in receiving solicitation notices related to this RFP is invited to contact the procurement officer, in writing, citing the RFP title and number. The letter of interest must include the name of the offeror, contact person, mailing address, telephone number, fax number, and e-mail address. STATE will utilize the information to add the offeror to the bidders list for this RFP. The sole purpose of the letter of interest is to provide STATE with a contact person to receive any notices related to this RFP.

1.10 Submission Instructions

An offeror shall submit three paper copies of the technical proposal in a sealed envelope or package.

An offeror shall submit the cost proposal in a sealed envelope or package, separate from the technical proposal, clearly labeled "Cost Proposal".

An offeror shall submit an electronic media copy of the technical and cost proposal documents on a CD or USB Flash drive, in the sealed package with the paper copies of the technical proposal.

STATE will not publicly read proposals.

An offeror shall submit its proposal to the address below in a sealed envelope or package:

North Dakota Department of Human Services
Economic Assistance Policy Division
Attn: Carol Cartledge
RFP Number: 325-16-405-008
600 E Boulevard Avenue, Dept. 325
Bismarck, ND 58505-0250

Envelopes or packages containing proposals must be received by the deadline for receipt of proposals set forth in Section 1.03 RFP Schedule.

Late proposals will not be accepted for consideration, and the offeror will be sent a written notice of rejection. Offeror assumes the risk of the method of dispatch chosen. STATE assumes no responsibility for delays caused by any delivery service. Postmarking by the due date will not substitute for actual receipt of a proposal by STATE. Offeror may not deliver proposals orally, by fax, email, or by other electronic means.

1.11 Approved Vendor Registration Requirements and Bidders List

Proposals will be accepted from an offeror that is not currently an approved vendor on State's bidders list; however, the offeror must be eligible to, and will be required to, become an approved vendor prior to STATE's approval of the final contract resulting from this RFP.

To become an approved vendor, an offeror shall:

- 1) register with the North Dakota Secretary of State (fees apply), and
- 2) submit a completed Bidder List Application for a U.S. Based Business (SFN 53655) to the North Dakota Vendor Registry Office.

Offeror may access Office of Management and Budget Vendor Registry to verify whether the offeror is currently an approved vendor on State's bidders list or may register on-line to become an approved vendor. The Vendor Registry is located on-line at:

North Dakota State Procurement Office

Web site: <http://www.nd.gov/spo/>

For assistance contact: 701-328-2683 or infospo@nd.gov

The bidders list for this RFP has been developed in accordance with N.D.C.C. § 54-44.4-09 to include Approved Vendors on the State Bidders list who selected the following commodity code:

Commodity Code: 952 Human Services

Sub-Classes: 01,15, 21, 42, 74 and 88

1.12 News Releases

An offeror shall not send out any news releases related to this RFP without prior approval of the procurement officer.

SECTION TWO SCOPE OF WORK

2.01 Background Information

The mission of STATE is to provide quality, efficient, and effective human services, which improve the lives of people.

General Program Information

During the 2005 legislative session, Senate Bill No. 2409 directed the Department of Human Services to: “establish and implement a procedure to facilitate funding to nongovernmental entities that provide alternatives-to-abortion services. The services must be outcome-based with positive outcome-results. The alternatives-to-abortion services are those services that promote childbirth instead of abortion by providing information, counseling, and support services that assist pregnant women or women who believe they may be pregnant to choose childbirth and to make informed decisions regarding the choice of adoption or parenting with respect to their children.”

STATE supervises the Alternative to Abortion Program, which includes reimbursements to nongovernmental alternative to abortion service agencies (Agencies). STATE currently has a contract with The Village Family Service Center through June 30, 2016 for administration of the program, which includes:

- Promotion and advertising to inform the public of the program
- Referral services
- Reimbursements to qualified service providers
- Providing a toll free 800 number for individuals seeking information and services
- Providing a website about services available for pregnant women

Alternative to abortion services are directly provided by both professional and paraprofessional staff from program directors, program supervisors, nurses, other paid staff, and trained volunteers. Currently, alternative to abortion services are paid at \$8 per service unit rate for professional staff and \$4 per service unit rate for paraprofessional staff. During the 2013-2015 biennium, 2,184 individuals received services from various providers throughout the state of North Dakota.

Services offered include counseling, education, and referrals. Counseling services to pregnant women, women who may be pregnant, or couples so they may make informed decision-making. Education is generally about options available to the mothers and couples, such as adoption and parenting. Education can also include pre-natal education, fetal development, making healthy choices during and after pregnancy, and information about childbirth. Services are free to clients. Services may include referrals to other agencies identified, such as housing assistance, Supplemental Nutrition Assistance Program, Human Service Centers, Medicaid, etc.

2.02 Scope of Work

STATE is requesting proposals for an entity to administer the Alternative to Abortion Program under the supervision of STATE. The entity must administer the program statewide.

Successful offeror shall:

1. promote alternative to abortion services;
2. inform the public about the Alternative to Abortion Program;
3. provide a dedicated toll free number to provide available Agencies and locations for individuals needing the services;
4. contract with existing Agencies and future Agencies throughout the state of North Dakota that provide services other than abortion;
5. maintain a list of Agencies;
6. determine the service unit rate paid to Agencies for professionals and paraprofessionals;
7. receive billing based on service units and service unit rates from Agencies;
8. make payments to Agencies based on billing;
9. collect data from Agencies for outcome measures;
10. develop and identify how positive outcomes will be measured from data collected;
11. maintain and provide access to a website with alternative-to-abortion information;
12. identify strategies for continued engagement of women seeking services throughout their pregnancy;
13. identify how services are preventing women from aborting;
14. provide quarterly reports to STATE to include, at a minimum, the following:
 - a. number served
 - b. services provided
 - c. follow-up provided
 - d. outcomes:
 - i. kept baby
 - ii. foster care
 - iii. adoption
 - iv. aborted (voluntarily or involuntarily); and
15. communicate and receive approval for any changes to the services provided from STATE

Offeror shall include timelines for:

1. promotion of Alternative to Abortion Program;
2. availability and administration of the dedicated toll free number;
3. process of facilitation of services and funding involving Agencies;
4. data collection and outcome measures process; and
5. communication process with STATE.

Offeror shall identify experience in providing counseling services to women who may be

pregnant or think they may be pregnant.

Offeror shall identify any innovative ideas relating to the administration of the Alternative to Abortion Program.

An offeror must be a nongovernmental entity or the proposal will be considered non-responsive and will be rejected.

2.03 Location of Work

STATE will not provide work space for successful offeror's staff.

2.04 Experience and Qualifications Requirements

Offerors shall meet the following experience and qualifications mandatory requirements:

1. Offeror shall describe the offeror's experience in providing the services similar to those being purchased through this RFP.
2. Offeror shall describe the offeror's staff experience in carrying out services described in this RFP.
3. Offeror shall provide work experience and resume of individual(s) who will have overall responsibility and oversight of the Alternative to Abortion Program.

2.05 Required Licenses

By the Deadline for Receipt of Proposals, the offeror must have and keep current any professional licenses and permits required by federal, state, and local laws for performance of a contract entered as a result of this RFP. Offerors who do not possess required licenses at the time proposals are due will be determined non-responsive.

SECTION THREE GENERAL CONTRACT INFORMATION

3.01 Contract Term, Extension, and Renewal Options

STATE intends to enter a contract effective July 1, 2016, through June 30, 2017.

STATE may extend the contract period for an additional period of time, not to exceed 12 months, beyond the normal expiration date of the contract, upon mutual written agreement by both parties.

A contract resulting from this RFP may be renewed upon satisfactory completion of the initial contract term. Renewals are based on the availability and approval of funds. STATE reserves the right to renew the contract for up to three additional periods, each period of renewal being for up to 24 months, upon written agreement by both parties. STATE may negotiate with successful offeror to adjust the firm fixed price for each renewal period. A contract resulting from this RFP will not automatically renew. STATE will provide written notice to the successful offeror of its intent to renew a contract resulting from this RFP at least 30 days before the contract's expiration date.

3.02 Contract Type

A contract resulting from this RFP is a Firm Fixed Price.

3.03 Standard Contract Provisions

The successful offeror will be sent a contract to sign and return to STATE. The successful offeror shall comply with the contract provisions set out in the "Sample Contract" document, attached as Attachment A, and made a part of this RFP. Any concerns or proposed changes regarding the contract provisions must be submitted, in writing, to the procurement officer by the deadline for submission of questions and requests for clarifications. Any proposed changes to the contract provisions must be set out in the offeror's proposal, including any supplemental terms and conditions (e.g. software licensing agreements or maintenance agreements). No alterations of these provisions will be permitted without prior written approval from STATE.

3.04 Proposal as a Part of the Contract

Part or all of this RFP and the offeror's proposal may be incorporated into any contract resulting from this RFP.

3.05 Additional Terms and Conditions

STATE reserves the right to add, delete, or modify terms and conditions during contract negotiations. These terms and conditions will be within the scope of the RFP and will not affect the proposal evaluations.

3.06 Supplemental Terms and Conditions

A proposal that includes supplemental terms and conditions may be accepted, but acceptance of the proposal does not constitute acceptance of supplemental terms and conditions that conflict with those contained in this RFP or that diminish STATE's rights under any contract resulting from the RFP. STATE reserves the right to consider these types of terms and conditions null and void. STATE is not responsible for identifying conflicting supplemental terms and conditions before issuing a contract award. After award of contract:

- A) if conflict arises between a supplemental term or condition included by the offeror in its proposal and a term or condition of the RFP, the offeror agrees that the term or condition of the RFP will prevail; and
- B) if the result of the application of a supplemental term or condition included in the proposal would diminish STATE's rights, the supplemental term or condition will be considered null and void.

3.07 Contract Approval

This RFP, by itself, does not obligate STATE. STATE's obligation will commence when it signs the contract but not earlier than the contract start date. Upon written notice to the successful offeror, STATE may set a starting date for a contract resulting from this RFP, which is different from the Contract Start Date set out in Section 1.03 RFP Schedule and Section 3.01 Contract Term, Extension, and Renewal Options. STATE is not responsible for reimbursing the successful offeror for any work, even work done in good faith, if the work occurs prior to the contract start date set by STATE.

3.08 Contract Changes – Unanticipated Amendments

During the course of a contract resulting from this RFP, the successful offeror may be required to perform additional work. That work will be within the general scope of the initial contract. When additional work is required, STATE will provide the successful offeror a written description of the additional work and request the successful offeror to submit a time schedule for accomplishing the additional work and a price for the additional work. The successful offeror must provide cost and pricing data to justify the cost of the additional work.

The successful offeror will not begin the additional work until STATE has approved the additional work and signed a written contract amendment.

3.09 Indemnification and Insurance Requirements

STATE incorporates indemnification and insurance provisions in the final contract. The offeror must submit objections to any of the provisions of the Indemnification and Insurance Requirements in writing to the attention of the procurement officer by the time and date set for receipt of questions. STATE will not permit any alteration of these

provisions without prior written approval from STATE in consultation with the North Dakota Risk Management Division.

Upon receipt of the Notice of Intent to Award, the successful offeror must obtain the required insurance coverage and provide the procurement officer with proof of coverage prior to contract approval. The coverage must be satisfactory to STATE, in consultation with the North Dakota Risk Management Division. A successful offeror's failure to provide evidence of insurance coverage is a material breach and grounds for withdrawal of the award or termination of the contract.

3.10 Taxes and Taxpayer Identification Number

The successful offeror shall provide STATE with a valid Vendor Taxpayer Identification Number as a provision of the contract resulting from this RFP.

STATE is not responsible for and will not pay local, state, or federal taxes. STATE's sales tax exemption number is E-2001, and STATE will furnish certificates upon request.

A successful offeror performing a contract for the State of North Dakota, including a service contract, is not exempt from payment of sales or use tax on material and supplies used or consumed in carrying out the contract. The successful offeror shall file tax returns and pay sales and use tax just as required for contracts with private parties.

A successful offeror performing a contract within North Dakota, including a service contract, is also subject to the corporate income tax, individual income tax, and withholding tax reporting requirements, whether the contract is performed by a corporation, partnership, or other business entity, or as an employee of the successful offeror. In the case of an employee performing the services in the state, the successful offeror is required to withhold state income tax for employee compensation and remit to the state as required by law.

For more information visit the following website at:

North Dakota Tax Department

Website: <http://www.nd.gov/tax/>

For assistance regarding sales and use tax, contact: 701-328-1240

For assistance regarding income tax, contact: 701-328-1247

3.11 Proposed Payment Procedures

STATE will issue payment within 30 days after receipt of the request for reimbursement and required reporting, except that no payment will be made until the reimbursement and reporting have been approved by STATE.

STATE will not make any advance payments before performance of services by the

successful offeror under a contract resulting from this RFP.

3.12 Limited Liability

STATE's ability to agree to any limitation of liability is restricted by [N.D.C.C. § 32-12.2-15](#).

3.13 Right to Inspect Place of Business

At reasonable times, STATE may inspect those areas of the successful offeror's business which are related to the performance of a contract resulting from this RFP. If STATE makes an inspection, the successful offeror must provide reasonable assistance.

3.14 Inspection & Modification – Reimbursement for Unacceptable Services

The successful offeror is responsible for the completion of all work set out in a contract resulting from of this RFP. All work is subject to inspection, evaluation, and approval by STATE. STATE may employ all reasonable means to ensure that the work is progressing and being performed in compliance with a contract resulting from this RFP. If STATE determines that corrections or modifications are necessary for performance of a contract resulting from this RFP, STATE may direct the successful offeror to make changes. The successful offeror will not unreasonably withhold changes.

Substantial failure of the successful offeror to perform a contract resulting from this RFP may cause STATE to terminate a contract. If STATE terminates a contract resulting from this RFP because the successful offeror fails to perform the contract, STATE may require the successful offeror to reimburse monies paid (based on the identified portion of unacceptable work received) and may seek associated damages.

SECTION FOUR PROPOSAL FORMAT AND CONTENT

4.01 Proposal Format and Content

STATE discourages overly lengthy proposals. For STATE to evaluate proposals fairly and completely, offeror shall follow the format set out in this RFP and provide all information requested.

Do not use staples, paper clips, and fasteners. Nothing should be attached, stapled, folded, or pasted. Do not use heavy or lightweight paper or any material that cannot be copied using automatic copying machines. Odd-sized and oversized attachments, such as posters, will not be copied or sent to reviewers.

4.02 Introduction

An offeror's proposal must contain a letter that includes:

- A) the complete name and mailing address of offeror's firm;
- B) the name, title, mailing address, telephone number, fax number, and e-mail address of the person STATE should contact regarding the proposal;
- C) offeror's fiscal year;
- D) offeror's taxpayer identification number;
- E) name and title of the individual authorized to bind the offeror legally;
- F) a statement acknowledging each solicitation notice by number and date;
- G) a statement confirming that the offeror will comply with all provisions of RFP; and
- H) a signature of a company officer empowered to bind the offeror.

An offeror shall provide the following background information:

- A) form of business entity, i.e., corporation, partnership, proprietorship, limited liability company;
- B) state of incorporation, state of formation, or state of organization;
- C) the location or locations, including address and telephone numbers of the offices and other facilities that relate to the firm's performance under the terms of this RFP;
- D) number of staff employed by the firm;
- E) type of business;
- F) name, address, and telephone number of the firm's representative to contact regarding scheduling and other arrangements;
- G) name, contact information, and qualifications of any subcontractors who will be involved with this work the firm proposes to use and the nature of the goods or services, or both, the subcontractor would perform; and
- H) accounting firm.

An offeror's failure to include these items in a letter included in its proposal may cause the proposal to be determined nonresponsive and the proposal may be rejected.

4.03 Understanding of the Project Plan

An offeror must provide comprehensive narrative statements that illustrate their understanding of the requirements of Section 2.02 Scope of Work of this RFP, as well as state and federal law.

An offeror shall demonstrate an understanding, interpretation, and implication of the Alternative to Abortion Program. An offeror shall include a comprehensive narrative that illustrates the methodology that the offeror intends to employ and how that methodology will serve to accomplish Section 2.02 Scope of Work of this RFP.

4.04 Experience and Qualifications

An offeror shall identify that it meets the minimum experience and qualification requirements in the introductory section of its proposal. A proposal that does not identify how the minimum requirements have been met may cause STATE to consider the proposal nonresponsive and STATE may reject the proposal.

An offeror shall identify, by name and title, the offeror's principal officers and board members. An offeror shall identify by name, title, and experience their staff who will be involved in carrying out this project. An offeror shall include an organizational chart that describes and illustrates lines of authority.

If offeror has vacant positions, the offeror must identify the job description of the staff member to be recruited, including minimum qualifications of the position.

4.05 Cost Proposal

An offeror shall provide a cost proposal that follows the same format of the "Cost Proposal" document, attached as Attachment B, and made a part of this RFP.

An offeror's cost proposal must consider STATE's standard terms and conditions included in this RFP. Offeror must state all associated costs in U.S. currency.

A cost proposal that does not follow the format in Attachment B may be considered nonresponsive and may be rejected.

4.06 Required Enclosures

An offeror's failure to provide all documents and information specifically required in this RFP or an offeror's failure to sign the documents as required, may cause the proposal to be considered nonresponsive and may be rejected.

SECTION FIVE EVALUATION CRITERIA AND OFFEROR SELECTION

5.01 Proposal Evaluation

Proposals will be reviewed for responsiveness and then evaluated using the criteria identified in this RFP. The Evaluation Tool, which is attached as Attachment C, will be the scoring tool used to score proposals. The total number of points used to score this proposal is 100 points.

5.02 Understanding of the Project Plan

Fifty (50) of the total possible evaluation points will be assigned to this criterion.

Proposals will be evaluated against the questions set out below:

- A) Has the offeror included a comprehensive narrative that illustrates the offeror's understanding of the Scope of Work?
- B) Has the offeror illustrated an understanding of Alternative to Abortion requirements?
- C) How well does the offeror demonstrate an understanding, interpretation, and implication of the Alternative to Abortion Program?
- D) Has the offeror included a comprehensive narrative that illustrates the methodology that the offeror intends to employ and how that methodology will serve to accomplish the Scope of Work?

5.03 Experience and Qualifications

Twenty-five (25) of the total possible evaluation points will be assigned to this criterion.

Proposals will be evaluated against the questions set out below:

- A) Has the offeror identified, by name and title, the offeror's principal officers and board members?
- B) Has the offeror identified, by name, title, and experience, the offeror's staff who will be involved in carrying out the project?
- C) Has the offeror included an organizational chart for the offeror that describes and illustrates lines of authority?
- D) Has the offeror described a proven track record of administering a program similar to the program that has helped women who are pregnant or think they may be pregnant make informed decisions other than abortion?

- E) Has the offeror described the type of work each of the offeror's staff will perform in carrying out the Alternative to Abortion Program?
- F) Does the offeror identify the job description of the staff member(s) who will be administering the Alternative to Abortion Program, including minimum qualifications of the position?

5.04 Cost Proposal

Twenty-five (25) of the total possible evaluation points will be assigned to the lowest cost proposal and this criterion.

The cost amount used for evaluation may be affected by the application of North Dakota preference laws (N.D.C.C. § 44-08-01) as addressed in Section 6.15 Preference Laws.

After making any adjustments for reciprocal preference, the proposal with the lowest total monthly cost proposal will receive the maximum number of points allocated to cost. The point allocations for cost on the other proposals will be evaluated and determined as follows:

- Lowest Total Monthly Cost
Cost being rated X Total Points for Cost Available = Awarded Points

The preference given to a resident North Dakota offeror will be equal to the preference given or required by the state of the nonresident offeror. A "resident" North Dakota offeror is one which has maintained a bona fide place of business within this State for at least one year prior to the date on which a contract was awarded.

For a listing of state preference laws, visit the following website:

- North Dakota State Procurement Office
Website: <http://www.nd.gov/spo/legal/resources/>
For assistance contact: 701-328-2683 or infospo@nd.gov

SECTION SIX STANDARD PROPOSAL INFORMATION

6.01 Authorized Signature

An individual authorized to bind the offeror to the provisions of the RFP must sign the original proposal.

6.02 STATE Not Responsible for Preparation Costs

STATE will not pay any cost associated with the preparation, submittal, presentation, or evaluation of any proposal.

6.03 Conflict of Interest

Offeror shall disclose any instances where the offeror, or any individual to be working for the offeror on a contract resulting from this RFP, has a possible conflict of interest and the nature of that conflict (e.g. employed by the State of North Dakota). STATE reserves the right to reject a proposal or cancel the award if any interest disclosed from any source could either give the appearance of a conflict or cause speculation as to the objectivity of the offeror's proposal. STATE's determination regarding any questions of conflict of interest is final.

6.04 Offeror's Certification

By signature on the proposal, an offeror certifies that it complies with:

- A) the laws of the State of North Dakota;
- B) North Dakota Administrative Code;
- C) all applicable local, state, and federal laws, code, and regulations;
- D) the applicable portion of the Federal Civil Rights Act of 1964;
- E) the Equal Employment Opportunity Act and the regulations issued by the federal government;
- F) the Americans with Disabilities Act of 1990 and the regulations issued by the federal government;
- G) all terms, conditions, and requirements set forth in this RFP;
- H) a condition that the proposal submitted was created independently, without collusion;
- I) a condition that the offer will remain open and valid for the period indicated in this solicitation; and
- J) a condition that the offeror, or any individual to be working for the offeror on the contract resulting from this RFP, does not have an undisclosed possible conflict of interest (e.g. employed by the State of North Dakota).

If an offeror fails to comply with this paragraph, STATE reserves the right to reject the

proposal. If the offeror who is awarded the contract resulting from this RFP fails to comply with this paragraph, STATE also reserves the right to terminate the contract or consider the successful offeror in default.

6.05 Offer Held Firm

Proposals must remain open and valid for at least 90 days from the deadline for receipt of proposals set forth in Section 1.03 RFP Schedule. If a contract is not awarded within 90 days, STATE will send a written request to all offerors deemed susceptible for award asking offerors to hold their price firm for a longer specified period of time.

6.06 Amendments to Proposals and Withdrawal of Proposals

An offeror may amend or withdraw its proposal prior to the deadline for receipt of proposals set forth in Section 1.03 RFP Schedule. No amendments will be accepted after the deadline unless they are in response to STATE's request. After the deadline, an offeror may make a written request to withdraw its proposal and provide evidence that a substantial mistake has been made. STATE may permit withdrawal of the proposal upon verifying that a substantial mistake has been made and STATE may retain the offeror's bid bond or other type of bid security, if one was required.

6.07 Alternate Proposals

An offeror may submit only one proposal for evaluation. Alternate proposals that offer something different than what is requested will be rejected.

6.08 Subcontractors

An offeror may use subcontractors to perform work under a contract resulting from this RFP. If an offeror intends to use subcontractors, the offeror shall identify in the proposal the names of the subcontractors and the portions of the work the subcontractors will perform.

If STATE selects a proposal with subcontractors, the offeror shall provide the following information concerning each subcontractor within five working days from the date of STATE's request:

- A) complete name of the subcontractor;
- B) complete address of the subcontractor;
- C) type of work the subcontractor will be performing;
- D) percentage of work the subcontractor will be providing;
- E) evidence, as set out in the relevant section of this RFP, that the subcontractor is registered and, if applicable, holds a valid North Dakota business license; and
- F) a written statement, signed by each proposed subcontractor, which clearly verifies that the subcontractor is committed to render the services required by a contract resulting from this RFP.

An offeror's failure to provide this information, within the time set, may cause STATE to consider its proposal non-responsive and reject it or cancel an award. The offeror may substitute one subcontractor for another only at the discretion and with prior written approval of STATE.

6.09 Joint Ventures

Joint ventures are not allowed.

6.10 Disclosure of Proposal Contents and Compliance with North Dakota Open Records Laws

All proposals and other material submitted become the property of STATE and may be returned only at STATE's option. All proposals and related information, including detailed cost information, are exempt records and will be held in confidence until an award is made, in accordance with N.D.C.C. § 54-44.4-10(2). "Award" means the selection of a successful offeror or offeror for presentation of a contract resulting from this RFP. After award, proposals will be subject to the North Dakota open records law. Records are closed or confidential only if specifically stated in law. If a request for public information is received, the procurement officer, in consultation with the Office of the Attorney General, will determine whether the requested information must be disclosed under the North Dakota open records law, and the request will be processed accordingly.

An offeror may make a written request that trade secrets and other proprietary data contained in proposals be held confidential. An offeror must include in their proposal a statement that clearly identifies specific page numbers and sections of their proposal considered confidential, or are copyrighted and may not duplicate, or are exempt under N.D.C.C. §44-04-18.4 for trade secret proprietary, commercial, and financial information, and a brief statement that sets out the reasons for the confidentiality request. In addition to the confidential statement, each identified page must be marked "Confidential" in the proposal.

For additional information, visit the following web site at:

- North Dakota Office of the Attorney General
Web site: <http://www.ag.nd.gov/OpenRecords/ORM.htm>

6.11 Evaluation of Proposals

All proposals will be reviewed to determine whether they are responsive to this RFP. The procurement officer, or an evaluation committee, will evaluate responsive proposals. The evaluation will be based solely on the evaluation factors set forth in this RFP. The evaluation will consider information obtained subsequent to any discussions with an offeror determined to be reasonably susceptible for award and any

demonstrations, oral presentations, or site inspections, if required, in this RFP.

6.12 Right of Rejection

STATE reserves the right to reject any proposal. Proposals received from an offeror determined to be debarred or suspended vendors will be rejected. The procurement officer may reject any proposal that is not responsive to all of the material and substantial terms, conditions, and performance requirements of this RFP.

An offeror may not qualify the proposal nor restrict the rights of STATE. If an offeror does so, the procurement officer may determine the proposal to be a nonresponsive counter offer and the proposal may be rejected.

STATE may waive minor informalities that:

- A) do not affect responsiveness;
- B) are merely a matter of form or format;
- C) do not change the relative standing or otherwise prejudice other offers;
- D) do not change the meaning or scope of the RFP;
- E) are insignificant, negligible, or immaterial in nature;
- F) do not reflect a material change in the work; and
- G) do not constitute a substantial reservation against a requirement or provision.

STATE reserves the right to reject any proposal determined to be nonresponsive and to reject the proposal of an offeror determined to be not responsible. STATE also reserves the right to refrain from making an award if it determines no award is in STATE's best interest.

6.13 Clarification of Offers

To determine whether a proposal is reasonably susceptible for award, communications between the procurement officer or the proposal evaluation committee and an offeror are permitted to clarify uncertainties or eliminate confusion concerning the contents of a proposal and to determine responsiveness to the RFP requirements. Clarifications may not result in a material or substantive change to the proposal. The initial evaluation may be adjusted because of a clarification under this section.

After receipt of proposals, if there is a need for any substantial clarification or material change in the RFP, an amendment will be issued. The amendment will incorporate the clarification or change, and a new date and time established for new or amended proposals. Evaluations may be adjusted as a result of receiving new or amended proposals.

6.14 Discussions and Best and Final Offers

STATE may conduct discussions or request best and final offers with offeror(s) who have submitted proposals determined to be reasonably susceptible for award. STATE is not obligated to conduct discussions or request best and final offers, so an offeror should submit their best terms. The purpose of these discussions is to ensure full understanding of the requirements of the RFP and the offeror's proposals. Discussions will be limited to specific sections of the RFP or proposal identified by the procurement officer. Discussions, if held, will be after initial evaluation of proposals by the procurement officer or the proposal evaluation committee. If modifications to the proposal are made as a result of these discussions, the modifications must be put in writing.

An offeror with a disability needing accommodation should contact the procurement officer prior to the date set for discussions so reasonable accommodation can be made.

6.15 Preference Laws

The preference given to a resident North Dakota offeror will be equal to the preference given or required by the state of the nonresident offeror. A "resident" North Dakota offeror is one which has maintained a bona fide place of business within this State for at least one year prior to the date the contract was awarded.

For a listing of Guidelines to North Dakota Preference Laws, visit the following Web site:

- North Dakota State Procurement Office
Web site: <http://www.nd.gov/spo/legal/guidelines/>
For assistance contact: 701-328-2683 or infospo@nd.gov

6.16 Contract Negotiation

After final evaluation, STATE may negotiate with the offeror of the highest-ranked proposal. Negotiations, if held, will be within the scope of the request for proposals and limited to those items that would not have an effect on the ranking of proposals. If the highest-ranked offeror fails to provide necessary information for negotiations in a timely manner, or fails to negotiate in good faith, STATE may terminate negotiations and negotiate with the offeror of the next highest-ranked proposal. If contract negotiations are commenced, they will be held by telephone, through e-mail, or at the following location:

North Dakota Department of Human Services
Economic Assistance Policy Division
600 E. Boulevard Avenue, Dept. 325
Bismarck, ND 58505

If contract negotiations are held, the offeror will be responsible for all costs, including its

travel and per diem expenses.

6.17 Notice of Intent to Award

After the completion of proposal evaluations, the procurement officer will issue a written Notice of Intent to Award and send copies to all offerors. Notice will be sent to all offerors through the Office of Management and Budget Web site as outlined in Section 1.05 Solicitation Notices. The Notice of Intent to Award will set out the names and addresses of all offerors and identify the proposal selected for award. The scores and placement of other offerors will not be part of the Notice of Intent to Award.

The successful offeror named in the Notice of Intent to Award is advised not to begin work, purchase materials, or enter into subcontracts until both the successful offeror and STATE sign the contract resulting from this RFP.

6.18 Protest and Appeal

North Dakota law and rule provides that an interested party may protest a solicitation, notice of intent to award a contract, or award of a contract (ref. [N.D.C.C. § 54-44.4-12](#) and [N.D.A.C. § 4-12-14](#)). The protest must clearly identify the RFP and detail the nature of the protest.

If an offeror wishes to protest the contents of the RFP, the offeror must submit the written protest to the procurement officer within seven calendar days before the deadline for receipt of proposals. If the solicitation contained a deadline for submission of questions and requests for clarifications, protests of the solicitation will not be allowed if these faults have not been brought to the attention of the procurement officer before the deadline. If no deadline for questions is specified, protests based on defects in the solicitation must be made at least seven calendar days before the deadline for receipt of bids or proposals.

If an offeror wishes to protest the notice of intent to award or award of a contract, the offeror must submit the written protest to the procurement officer within seven calendar days after the award or issuance of a Notice of Intent to Award.

The protestor may appeal the decision of the procurement officer to the Director of the State Procurement Office within seven calendar days after receiving notice of the decision.

ATTACHMENTS

Attachment A – Sample Contract

Attached as a separate document titled: Attachment A – Sample Contract

Attachment B – Cost Proposal

Attached as a separate document titled: Attachment B – Cost Proposal

Attachment C – Evaluation Tool

Attached as a separate document titled: Attachment C – Evaluation Tool